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SUBJECT: U/S BURNS, AND U/S FLOURNOY'S MEETING WITH IRAQI
COUNCIL OF REPRESENTATIVES SPEAKER AYAD AL-SAMARRAIE

11. (U) Summary: In a May 12 meeting with DOS U/S Bill Burns and DOD U/S Michele Flournoy, Iraqi Council of Representatives (CoR) Speaker Al-Samarraie said he saw US-Iraqi relations as a two-stage process: the past and the future, with the SFA linking the two. Looking forward rather than backward, Al-Samarraie wants to establish a protocol for U.S. assistance to the CoR. On badly needed investment legislation, Al-Samarraie said that the two issues must be addressed: fixing the outdated legislation currently on the books and finding a way delink the new legislation from other political issues. On the prospects of a hydrocarbons law, he said that several issues need to be solved before a hydrocarbons law could be passed. The elections law will likely entail amending the existing law and deciding between an open list and a closed list. The CoR will address legislation dealing with amendments to the Constitution and political reform and will also exercise its Executive oversight in a regular and responsible manner. On reconciliation, the performance of the police had improved, but that of the army had worsened in the past two years. Al-Samarraie's adviser suggested that the problems lay with the Prime Minister, who has politicized the Office of the Commander-in-Chief. End Summary.

Two-Stage Bilateral Relationship

2 . (U) In a May 12 meeting at his residence, Iraqi Council of Representatives (CoR) Speaker Ayad al-Samarraie welcomed DOS U/S Bill Burns and DOD U/S Michele Flournoy, noting that he was pleased to have an opportunity to discuss Iraqi issues with representatives of the new Administration. U/S Burns said the delegation had traveled to Iraq to reiterate the U.S. commitment to helping Iraq build strong democratic institutions, strong capacity and to establish its place in the international community. U/S Flournoy said that the U.S. was committed to the Security Agreements in order to help Iraq become self-reliant and to integrate into the region.

13. (U) Speaker Al-Samarraie said he sees the Strategic Framework Agreement (SFA) as the bridging mechanism between the past and the future of the U.S.-Iraq relationship. Al-Samarraie acknowledged that over the past five or six years some things have not been accomplished perfectly, and that "we" (Iraqis) had objections as to how to proceed. But now, everything is more democratic and transparent and "we" are adjusting our own behavior. Al-Samarraie also asserted that sectarianism is less of an issue now.

14. (U) But, Al-Samarraie said, the future is even more important than the SFA, which will end by 2011. It is a future that will open for Iraqis a world beyond security issues. The future depends on the cooperation outlined in the SFA, rather than the security provisions worked out in the Security Agreements. As part of his plan for the future, Al-Samarraie said that he wants to coordinate U.S. assistance to the CoR via a protocol. He said the CoR had already developed a draft agreement with USAID.

¶5. (U) Turning to the economy, U/S Flournoy said that during her conversations with U.S. companies, they expressed a desire to see a regulatory framework in place prior to investing in Iraq. Al-Samarraie acknowledged the need for investment legislation and the maddening obstacles presented by current legislation, a product of an era in which the free market did not exist in Iraq. Those antiquated laws contradict what the government wants to do every day and need Qcontradict what the government wants to do every day and need updating. Al-Samarraie said that even if he simply wanted to buy a piece of land for business, the process is complicated and difficult.

¶6. (U) U/S Burns asked about the status of the hydrocarbons law. Al-Samarraie said there is an old draft law and a new draft law. The government had written to the CoR asking about the status of its work on the law, but had not specified whether they were inquiring about the old or new draft. The Oil and Gas Committee is trying to sort out the problem. But, he said, even after the question of which law is to be considered was clarified, obstacles to the passage of a hydrocarbons law remain. The rights of regions to have contracts is "very cloudy" in the draft law. And even if sharing of production is accepted by all sides, there would need to be agreement on what constitutes "existing fields, new fields and yet-to-be explored fields." He concluded that the reaching of an agreement would be an achievement.

¶7. (U) On an elections law, Al-Samarraie said that the CoR would likely amend the existing law. The key issues are how

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to ensure a minimum number of seats for women and whether to have an open list or a closed list. Al-Samarraie said that the other key legislative goals this term would include amendments to the Constitution and legislation in response to the political reform resolution passed along with the ratification of the SOFA and SFA agreements.

Oversight

¶8. (U) Al-Samarraie said that he sees the CoR's other important undertaking this session to be the exercise of its oversight responsibilities. CoR members want a number of Ministers to appear before the CoR. One was scheduled to be questioned this week; others would come just for informational purposes. Al-Samarraie had counseled CoR members not to simply demand that Ministers come to the CoR for questioning, but to proceed step-by-step, demanding that Ministers appear for questioning only if they have not been satisfied by other means.

Reconciliation, Withdrawal

¶9. (U) On reconciliation, Al-Samarraie said that the process is not moving according to the agreements that have been reached. The security forces are a concern: the Sons of Iraq (SoI) are being arrested and not being paid. While Samarraie said the Iraqi Police had been gradually regaining public trust, the Iraqi Army was losing some of that same trust. This is due to concerns that the military has been politicized through Maliki's penchant for replacing senior commanders with officers he personally knows and trusts, as well as forming ad-hoc command arrangements (such as the Office of the Commander-in-Chief) which circumvent the MoI and MoD chain of command. Samarraie also said that some CoR members had complained about their treatment at the hands of Iraqi Army soldiers, while reports of Iraqi Police abusive behavior had generally declined.

¶10. (U) Both Al-Samarraie and his adviser Saif al-Din Abdul

Rahman lay the blame on the hierarchical structure of the Office of the Commander-in-Chief and Prime Minister Maliki's politicization of that institution. Al-Samarraie said it is his understanding that neither the Minister of Defense nor the Minister of the Interior had the authority to decide anything without the approval of the Prime Minister (who is also the Commander-in-Chief). U/S Flournoy said that the U.S. has developed laws over time that define the chain of command. Al-Samarraie commented that American experts, often feeling they should not interfere in Iraqi politics, provided hints rather than suggestions. But perhaps it is suggestions that are needed. For instance, there should be a law to define the powers of the Commander-in-Chief. But people here do not know what to do. To such suggestions some would say, "No, he is the Commander-in-Chief and his power is absolute."

¶11. (U) Asked about Iraq's comfort level with the U.S. troop withdrawal, Al-Samarraie said that he was not informed about the movement of the army. But the situation seems to be acceptable. Concluding his remarks, Al-Samarraie said that Iraq wants strong democratic institutions and a respect for law. He said the door should be opened to those who want to participate in the reconciliation process. Some say they have committed crimes. Others say they should be given hope. Between revenge and hope, Al-Samarraie said, he believes in hope. "Some say they are not ready to forgive, but it is better for Iraq to learn to look to the future."

¶12. (U) U/S Burns and USD/P Flournoy have cleared this cable.
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